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SUR LA BREVETABILITE (CHAPITRE I OU CHAPITRE II  
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règle 72.2 du PCT)

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Date d'expédition (jour/mois/année) 19 octobre 2006 (19.10.2006)	NOTIFICATION IMPORTANTE
Référence du dossier du déposant ou du mandataire SP 21450 HM	
Demande internationale n° PCT/FR2003/050207	Date du dépôt international (jour/mois/année) 23 décembre 2003 (23.12.2003)
Déposant VIACCESS etc	

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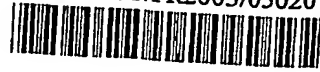
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**Translation**

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SP 21450 HM	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/050207	International filing date (day/month/year) 23 décembre 2003 (23.12.2003)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC H04N 7/167		
Applicant VIACCESS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 09 juillet 2005 (09.07.2005)	Date of completion of this report 21 June 2006 (21.06.2006)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/050207

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-25 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-21 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/4-4/4 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/FR 03/50207

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Reference is made to the following documents:

D1: EP-A-0 936 774 (CANAL PLUS SA) 18 August 1999  
(1999-08-18)

D2: EP-A-0 691 787 (SONY CORP) 10 January 1996  
(1996-01-10)

#### 2. CLARITY

2.1 Although claims 16, 18 and 21 have been drafted as separate independent claims, it appears that they have the same subject matter and that they differ only by a variation in the definition of the subject matter for which protection is sought. Consequently, these claims are not concise and therefore fail to meet the requirements of PCT Article 6.

#### 3. INDEPENDENT CLAIM 1

D1 (EP 0936774-A, CANAL PLUS SA), which is considered to be the most relevant prior art, describes a system for transmitting and recording encrypted digital data, wherein said data are recorded on a digital recording medium with a decryption key, then decrypted during playback by means of said decryption key.

Said document does not describe the essential feature of claim 1, which consists of generating, during transmission, specific R-ECM and P-ECM messages for controlling entitlement to access the recording of the flow content and the playback of the recorded flow content, respectively, and of analysing the R-ECM and P-ECM messages, on receipt, so as to permit the recording and playback of the recorded flow.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can be considered to be that of associating separate access criteria for the phases of: (i) direct viewing of the content from the flow; (ii) recording the content; and (iii) viewing the flow from the locally recorded content.

D2 (EP-0 691 787-AI, SONY CORP) describes an apparatus and a method for transmitting digital data to a receiver with which limited reproduction rights are associated, represented by a signal transmitted to an access control module associated with the receiver and stored in a memory of said receiver with the digital data.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons:

taking the combination of D1 and D2 as the basis, a person skilled in the art would not be prompted to generate R-ECM messages for controlling entitlement to access the recording and P-ECM messages for controlling entitlement to access the playback of the recorded flow content.

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## 4. INDEPENDENT CLAIMS 16, 18 and 21

The technical features of claims 16, 18 and 21 are the same as those already discussed with respect to claim 1. Consequently, said claims are also considered to involve an inventive step (PCT Article 33(3)).

## 5. DEPENDENT CLAIMS

The claims dependent on claims 1 and 16 also comply, as such, with the PCT requirements of novelty and inventive step.

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